

Case Docket Entries

CC-17-2023-C-107

Court: **Circuit** County: **17 - Harrison** Created Date: **5/22/2023** Security Level: **Public**
 Judge: **Thomas A. Bedell** Case Type: **Civil** Case Sub-Type: **Other** Status: **Open**
 Related Cases:
 Style: **M&J TRANSPORT, L.L.C., A West Virginia Limited Liability Company v. DECKER TRUCK LINE, INC.**

	<u>Entered Date</u>	<u>Event</u>	<u>Ref. Code</u>	<u>Description</u>
1	5/22/2023 11:13:51 AM	E-Filed		Complaint
	1-1 5/22/2023	Civil Case Information Statement		
	1-2 5/22/2023	Complaint - COMPLAINT		
	1-3 5/22/2023	Transmittal		
	1-4 5/22/2023	Summons		
2	5/22/2023 11:13:51 AM	Judge Assigned	J-1012	Thomas A. Bedell
3	5/22/2023 11:13:51 AM	Party Added	P-001	M&J TRANSPORT, L.L.C., A West Virginia Limited Liability Company
4	5/22/2023 11:13:51 AM	Party Added	D-001	DECKER TRUCK LINE, INC.
5	5/22/2023 11:13:51 AM	Attorney Listed	P-001	A-2111 - Thomas W. Kupec
6	5/22/2023 11:13:51 AM	Service Requested	D-001	Circuit Clerk - Certified Mail - Including Copy Fee
7	5/22/2023 11:48:16 AM	E-Filed		Letter to Clerk - Letter to Clerk - Correction to Address of Decker Trust Line
	7-1 5/22/2023	Letter - Letter		
	7-2 5/22/2023	Transmittal		
8	5/22/2023 11:53:39 AM	E-Docketed		Supporting Documents - Certified Mail Receipt
	8-1 5/22/2023	Other - Certified Mail Receipt		
	8-2 5/22/2023	Transmittal		
9	5/31/2023 10:15:17 AM	E-Docketed		Service Return - Cert. mail grn. card to Decker Truck Line signed no date
	9-1 5/31/2023	Service Return - Cert. mail grn. card to Decker Truck Line signed no date		
	9-2 5/31/2023	Transmittal		
10	6/15/2023 11:25:26 AM	E-Filed		Notice of Appearance - Notice of Appearance for Timothy A. Montgomery, Esquire
	10-1 6/15/2023	Notice of Appearance - Notice of Appearance		
	10-2 6/15/2023	Transmittal		
11	6/15/2023 11:25:26 AM	Attorney Listed	D-001	A-12034 - Timothy Allan Montgomery





IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

**M & J TRANSPORT, L.L.C.,
A West Virginia Limited Liability Company,**

Plaintiff,

vs.

Civil Action No. 23-C-_____

DECKER TRUCK LINE, INC.,

Defendant.

COMPLAINT

Comes now the Plaintiff, M & J Transport, L.L.C., a West Virginia Limited Liability Company, by and through it's counsel, Thomas W. Kupec, and for Complaint in this matter would state as follows:

1. That the Plaintiff is a West Virginia Limited Liability Company, doing business in Harrison County, West Virginia, delivering product from one city to another.
2. That the Defendant is a corporation that does business in West Virginia.
3. That on or about the 12th day of January, 2022, the Defendant's driver, negligently drove it's vehicle into a vehicle owned and operated by the Plaintiff.
4. That as a result of the damage done to the Plaintiff's vehicle, the Plaintiff was unable to use said vehicle in the operation of it's business.
5. That the Defendant was negligent and careless which resulted in damage to Plaintiff's vehicle and the loss of use of the same.

WHEREFORE, Plaintiff, M & J Transport, L.L.C., respectfully requests it be awarded judgment against the Defendant in an amount to adequately compensate it, including but not limited to direct, consequential and incidental compensatory damages, pre-judgement and post-judgement interest, the costs and expenses of this action, including reasonable attorney fees, and such other relief as the Court deems just and proper.

M & J TRANSPORT, L.L.C., Plaintiff
By Counsel

/s/ Thomas W. Kupec
THOMAS W. KUPEC State Bar No. 2111
Counsel for Plaintiff

KUPEC & ASSOCIATES, P.L.L.C.
Attorneys at Law
228 Court Street
Clarksburg, WV 26301
(304) 623-6678
(304-623-1027 (fax)

STATE OF WEST VIRGINIA,

COUNTY OF HARRISON, TO-WIT:

M&J TRANSPORT, L.L.C., by Melissa Hall, Managing Member, being first duly sworn on his/her oath, says that it is the Plaintiff in the foregoing *Complaint* and the facts and allegations therein contained are true, except insofar as they are therein stated to be upon information, it believes them to be true.

M&J TRANSPORT, L.L.C.
BY: Melissa Hall
ITS: Managing Member

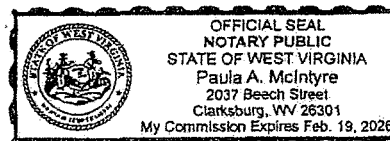
Taken, subscribed and sworn to before me this 22nd day of MAY, 2023,
by Melissa Hall, Managing Member of M&J Transport, LLC.

Paula A. McIntyre
NOTARY PUBLIC

(SEAL)

My commission expires:

Feb 19, 2026

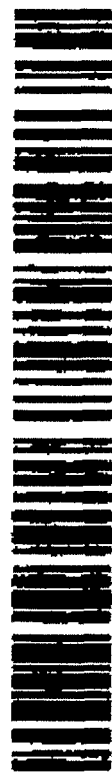


SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: **23-G-107**

Decker Truck Line Inc.
4000 5th Ave South
Fort Dodge, IA 50501



9590 9402 7610 2122 4742 24

2. Article Number (Transfer from service label)

022 1670 0002 0683 4851

PS Form 3811, July 2020 PSN 7530-02-000-9053

FILED | 5/31/2023 10:15 AM
CC-17-2023-C-107
Harrison County Circuit Clerk
Albert F. Marano

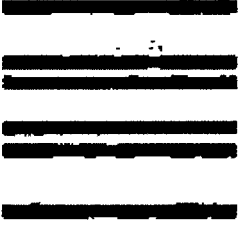
☐ Agent
☐ Addressee
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

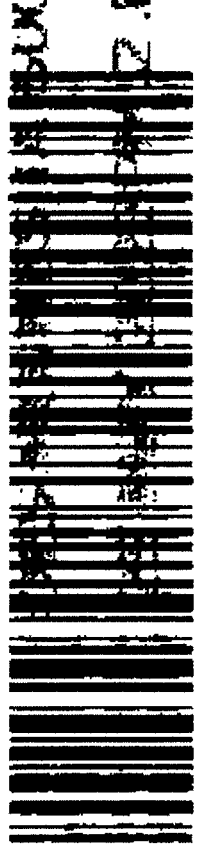
FILED IN 15
CIRCUIT COURT
MAY 31 A

3. Service Type
- ☐ Adult Signature
 - ☐ Adult Signature Restricted Delivery
 - ☒ Certified Mail
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Insured Mail
 - ☐ Insured Mail Restricted Delivery (over \$500)
 - ☐ Priority Mail Express
 - ☐ Registered Mail™
 - ☐ Registered Mail Restricted Delivery
 - ☐ Signature Confirmation™
 - ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



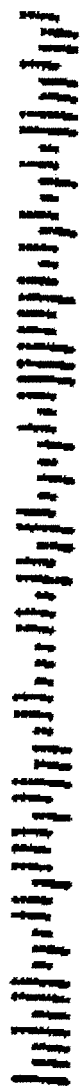
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

USPS TRACKING #

9590 9402 7610 2122 4742 24

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

**Albert F. Marano, Clerk
Circuit Clerk of Harrison County
301 W. Main Street
Clarksburg, WV 26301**





West Virginia E-Filing Notice

CC-17-2023-C-107

Judge: Thomas A. Bedell

To: Timothy Montgomery
tmontgomery@pionlaw.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA
M&J TRANSPORT, L.L.C., A West Virginia Limited Liability Company v. DECKER TRUCK
LINE, INC.
CC-17-2023-C-107

The following notice of appearance was FILED on 6/15/2023 11:25:21 AM

Notice Date: 6/15/2023 11:25:21 AM

Albert F. Marano
CLERK OF THE CIRCUIT COURT
Harrison County
301 W. Main Street
CLARKSBURG, WV 26301

(304) 624-8640
Albert.Marano@courtsww.gov

E-FILED | 6/15/2023 11:25 AM
CC-17-2023-C-107
Harrison County Circuit Clerk
Albert F. Marano

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

M & J TRANSPORT, L.L.C., A West Virginia Civil Action No. 23-C-107
Limited Liability Company,

Plaintiff,

v.

DECKER TRUCK LINE, INC.,

Defendants.

NOTICE OF ENTRY OF APPEARANCE

Kindly enter the appearance of Timothy A. Montgomery, Esquire, and the law firm of PION, NERONE, GIRMAN, WINSLOW & SMITH, P.C. on behalf of Defendant, Decker Truck Line, Inc., pursuant to the Federal Rules of Civil Procedure and the Local Rules for the Circuit Court of Harrison County, West Virginia with regard to the above-captioned matter.

PION, NERONE, GIRMAN, WINSLOW &
SMITH, P.C.

By: /s/ Timothy A. Montgomery

Timothy A. Montgomery, Esquire
(WV ID #12034)

tmontgomery@pionlaw.com

420 Fort Duquesne Boulevard

1500 One Gateway Center

Pittsburgh, PA 15222

(412) 281-2288

Counsel for Defendant,

Decker Truck Line, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this **15th** day of **June, 2023**, I electronically filed the foregoing **Notice of Entry of Appearance** with the Clerk of the Court using the CM/ECF filing System, which will send notification of such filing to all counsel of record.

Thomas W. Kupec, Esquire
KUPEC & ASSOCIATES, PLLC
228 Court Street
Clarksburg, WV 26301
psprouse81@gmail.com
Counsel for Plaintiff

PION, NERONE, GIRMAN, WINSLOW
& SMITH, P.C.

By /s/Timothy A. Montgomery
Timothy A. Montgomery